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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/540,776 03/31/00 HOY

S HOY-00103/03

IM62/0711

EXAMINER

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ART UNIT	PAPER NUMBER
1761	3

DATE MAILED: 07/11/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No. 09/540,776	Applicant(s) Hoy	Examiner Sherry Dauerman Group Art Unit 1761
		

- Responsive to communication(s) filed on _____
- This action is **FINAL**.
- Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle* 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

- Claim(s) 1-4 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- Claim(s) _____ is/are allowed.
- Claim(s) 1-4 is/are rejected.
- Claim(s) _____ is/are objected to.
- Claims _____ are subject to restriction or election requirement.

Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The drawing(s) filed on _____ is/are objected to by the Examiner.
- The proposed drawing correction, filed on _____ is approved disapproved.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All Some* None of the CERTIFIED copies of the priority documents have been received.
- received in Application No. (Series Code/Serial Number) _____.
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- Notice of References Cited, PTO-892
- Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- Interview Summary, PTO-413
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152

-- SEE OFFICE ACTION ON THE FOLLOWING PAGES --

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DETAILED ACTION

Priority

1. A statement reading "This is a continuation of Patent No. 6,063,412, filed 4/10/1997." should be entered following the title of the invention or as the first sentence of the specification. The current status of all nonprovisional parent applications referenced should be included.

Specification

2. Please note the following informality: The term "lest" on line 2 of the abstract is not coherent within the context of the sentence. The term appears to be a spelling error which was intended to be the term least. Appropriate correction is suggested.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stonoga et al. (Pat. 4,203,516) in view of Colony House (1979 Catalogue), and Beck (Pat. 3,107,651). Stonoga et al. teaches a novelty greeting card having front and rear panels hingedly (16)(Fig. 1) connected,

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wherein the card contains an illustration (20)(Fig. 1), indicia (col. 4, lines 13-15), and a dog biscuit (60)(Fig. 2), wherein the intended recipient for the card is a pet (abstract) for the purposes of providing a greeting card which is directed towards and purchased for a pet.

Stonoga et al. fails to teach wherein the pet greeting card is totally edible and comprises a rawhide panel.

Swiss Colony teaches an entirely edible card which is in the form of substantially rigid edible panel having a front and back surface and is in the form of a free standing structure with at least one message region, an edible message displayed within the region, such as "Merry Christmas" as shown in the illustration for the purposes of providing a totally edible greeting card.

Beck teaches an example of how rawhide is easily manipulated and manufactured to form various shapes (Fig. 1-6), wherein a rawhide play item is formed to provide amusement for pets (col. 1, lines 9-11), wherein the rawhide item is formed from strips which are coiled, transverse slits are formed within the rawhide. Furthermore, it is known to one of ordinary skill in the art that rawhide material can be manipulated to form a multitude of shapes, such as strips and panels, for the purposes of providing a broad assortment of edible items formed from rawhide materials.

With respect to the limitation of including at least one graphical image of a pet and indicia on the rawhide greeting card, one of ordinary skill in the art would be expected to be familiar with the many methods to apply edible ink to edible materials for the purposes providing desired graphical designs and messages.

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Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the pet greeting card of Stonoga et al. such that the pet greeting card is totally edible and comprises a rawhide panel as per the teachings of Colony House and Beck in order to provide to provide a totally edible greeting card which is formed from rawhide in order to provide a safe edible amusement toy for a pet.

5. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stonoga et al. (Pat. 4,203,516) in view of Colony House (1979 Catalogue), and Beck (Pat. 3,107,651) as applied above to claim 1, and further in view of DE 4010003A1. Stonoga et al. as applied above fails to teach wherein the card comprises at least two rawhide panels which are joined in a manner suitable for ingestion by pets and wherein the panels are joined with a rawhide hinge.

DE 4010003A1 teaches a hinge which consists of edible material which remains soft and flexible, such as chewing gum. Furthermore, it is known to one of ordinary skill in the art that rawhide can be formed into various shapes and that the flexibility depends on the thickness and moisture content, therefore, rawhide would be a suitable material for the hinge, as well, for the purposes of providing connected rawhide panels which can be used to form various hinged items.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the pet greeting card of Stonoga et al. such that the pet greeting card comprises at least two rawhide panels which are joined in a manner suitable for ingestion by pets and wherein the panels are joined with a rawhide hinge as per the teachings of

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Colony House, Beck, and DE 4010003A1 in order to provide to provide a totally edible greeting card which is formed from rawhide panels and are hingedly connected by an edible material, such as rawhide, in order to provide a safe edible amusement toy for a pet.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stonoga et al. (Pat. 4,203,516) in view of Colony House (1979 Catalogue), Beck (Pat. 3,107,651), and DE 4010003A1 as applied above to claim 2, and further in view of Bach (Pat. 722,418). Stonoga et al. as applied above fails to teach wherein each panel has a set of holes along one edge, and the panels are joined using a pet edible lacing through the holes of both panels.

Bach teaches a historic book binding technique where the substantially rigid panels are arranged in order and in which holes are punched through said panels (column 1, lines 48-51). A strip of sewing material or heavy duty thread is secured by tying in the last hole of one of the ends and overcast from side to side through each of the holes (column 2, lines 70-73). After being drawn through each of the holes, the strip is secured to prevent its pulling loose by tying or other suitable means (column 2, lines 98-100) for the purposes of connecting two separate panels..

Furthermore, Beck teaches of a rawhide strip wherein transverse slits are formed (col. 3, lines 8-11), for the purposes of providing holes within the rawhide strip.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the pet greeting card of Stonoga et al. such that each panel has a set of holes along one edge, and the panels are joined using a pet edible lacing through the holes

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of both panels as per the teachings of Colony House, Beck, DE 4010003A1, and Bach in order to provide rawhide panels or flat strips which are connected using traditional lacing techniques to form a two panel greeting card.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- | | |
|---|---|
| US Pat. 259,915, 6/1882, Pratt | - discloses lacing to secure panels |
| US Pat. 1,791,175, 2/1931, Tomlinson | - discloses edible bell made of pet food |
| US Pat. 4,670,271, 6/1987, Pasternak | - discloses printing process for edible food |
| US Pat. 4,681,758, 7/1987, Fruthaler et al. | - discloses shaped & flavored articles for pets |
| US Pat. 5,011,642, 4/1991, Welygan et al. | - discloses method of extruding edible article |
| US Pat. 6,063,412, 5/2000, Hoy | - discloses edible animal greeting card |
| US Des. 240,770, 8/1976, French | - discloses pizza shaped dog biscuit |
| US Des. 241,184, 8/1976, French | - discloses ice cream cone shaped dog biscuit |
| US Des. 288,062, 2/1987, Aronson | - discloses combined greeting card & edible candy |
| JP Pat. 63-291538, 11/1998, Adachi | - discloses edible book w/ plurality of edible sheets |
| DE Pat. 2834647A1, 2/1980, Geissler | - discloses printed edible book made of gum |

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherry Dauerman at telephone number (703) 305-0883. The examiner can normally be reached on Monday - Friday from 7:30 a.m. - 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gabrielle Brouillette, can be reached on (703) 308-0756. The fax phone numbers for the organization where this application is assigned are (703) 305-3599 and (703) 305-7718.

Any inquiry of a general nature relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

**Sherry A. Dauerman
Patent Examiner
Art Unit 1761
July 3, 2000**

G.Brouillette
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7/3/00